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Attorney for Defendant,
ANTHONY ACEVEDO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	Case No.: 07-CR 802 (DAB)
)	
Plaintiff,)	EXHIBITS TO DEFENDANT'S SENTENCING
)	MEMORANDUM
v.)	
)	
ANTHONY ACEVEDO,)	
)	
Defendant.)	
_____)	

Defendant, ANTHONY ACEVEDO, by and through his attorney of record, Alan Baum,
hereby submits the attached exhibits in support of his Sentencing Memorandum relevant to
sentencing factors under 18 U.S.C. §3553(a).

Dated: January 10, 2008

/s/ Alan Baum
ALAN BAUM
Attorney for Defendant

STEPHEN GELLER KATZ, LCSW-R

PSYCHOTHERAPIST

INDIVIDUAL, COUPLE AND FAMILY PSYCHOTHERAPY

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Psychosexual Evaluation

Client: Anthony Acevedo
Address: 89 Thayer Street, 2A
New York, New York 10040

April 6, 2007

DOB: 5-12-60

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I. Identification and Referral Information

Anthony Acevedo is a 46-year-old white, married, Hispanic male, who is 5'7" tall, weighs 180 pounds and has hazel eyes and salt and pepper hair. Mr. Acevedo reports that he is a Jehovah's Witness and has two years of college in statistics and computer science from Baruch College, but was unable to finish a because of financial concerns and the need to work full time. Client is currently employed as a Technical Analyst in the Quality Assurance testing group for Citigroup, a division of Citibank. Mr. Acevedo began working for Citigroup in 1984 and was promoted several times along the way.

Mr. Acevedo currently lives with his wife, 45-year-old Diana Acevedo, in a one bedroom apartment in the Inwood / Washington Heights section of Manhattan, where the couple has resided for eight years. The couple has no children and been married for 15 years.

Mr. Acevedo was referred for a psychosexual evaluation to Stephen Geller Katz, LCSW-R by client's attorney Alan Baum of Criminal Defense Associates in December of 2007. The case involved a U.S. federal investigation and impending indictment of Mr. Acevedo for the alleged downloading of pornographic images onto his home computer. These images are reported to depict minors engaged in sexual contact with adults. Mr. Acevedo's computer was subsequently confiscated by the FBI in June of 2006. Mr. Baum reports that the FBI reported having found 11 video clips on Mr. Acevedo's computer ranging from 10 to 30 seconds, and from 20 to 30 minutes in duration. According to the information that Mr. Baum obtained from the federal prosecutor, some of the clips were reported to depict sadomasochistic elements involving images of prepubescent juveniles.

Mr. Acevedo is facing possible federal charges of Receipt and Possession of Child Pornography: Title 18 U.S.C. Section 2252(a)(2)(5).

II. Sources of Information

All sources of information for this evaluation were based on oral reports by Mr. Acevedo's attorney, Mr. Baum, and by the client's self reporting. The interviews were

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all conducted in the private practice office of Stephen Geller Katz, LCSW-R at 25 Central Park West, Suite, 1-U, New York, NY 10023, except the first session, which was conducted at 360 Central Park West, Suite 1-A, New York, NY 10025. The information was obtained in a series of 12 interviews averaging one hour in length and taking place on the following dates: 12-0-06, 12-12-06, 12-15-06, 1-8-07, 1-22-07, 1-26-07, 1-29-07, 2-5-07, 2-12-07, 2-23-07, 2-26-07 and 3-2-07. Criteria utilized for this evaluation included the Standard Required Format for Psychosexual Evaluation Reports.

III. Previous Mental Health History

Client reports bouts of recurrent depression beginning in childhood. Mr. Acevedo reported no previous mental health or psychiatric treatment including psychotropic medication. Likewise, Mr. Acevedo reports no significant history of drug or alcohol use or treatment. Mr. Acevedo reports no familial psychiatric history.

IV. Risk Factors

Mr. Acevedo reported neither a current suicidal plan, nor expressed current suicidal ideation. Client reported or exhibit no notable problems with general impulse control (see later section dealing with sexual impulse control), hopelessness or substance abuse. No previous suicide attempts or self-harming acts were reported or noted. Furthermore, client reported no family history of suicide. Client contemplated suicide at age 15 because of his internal struggle with sexual identity issues, but had no concrete plan at the time. No homicidal or assaultive tendencies, risks or history, reported or observed. Mr. Acevedo expressed no apparent destructive behavioral risks, including child physical or sexual abuse, spouse abuse, rape; nor was any wish to harm others elicited or expressed in any manner, explicitly or implicitly. Furthermore, Mr. Acevedo expresses no history of hurting other persons and reports no history of destructive or impulsive behavior except in the area of sexual acting out, the details of which are clearly outlined within this report. Client reports no episodes of destruction of property, reckless spending or driving, violence to animals, fire setting or other criminal offenses, beyond those within the scope of this case. Client reports no prior arrests and does not possess any guns.

A. Risk of Victimization (Abuse)

Mr. Acevedo is not reporting to be in an abusive situation currently. Client does, however, report a history of having been the victim of childhood sexual abuse including incest, from an age too early to recall, and continuing into his teen years. Mr. Acevedo identifies an uncle and father as the primary adult perpetrators, although there were others. He especially struggles with complex emotions around his father having sexually abused him. The reported sexual abuse progressed over time and included Mr. Acevedo being apparently forced and/or coerced into performing oral and anal sex on both uncle and father.

B. Chemical Dependency

Mr. Acevedo reported no significant history of, or current usage of drugs or alcohol. He tried marijuana four times at age 18. Client reports that he never drank until his 18th birthday whereupon his stepfather made him drink shots until he became inebriated. Client reported that his step father was an alcoholic and described him as a “mean drunk” who berated the client by calling him ‘stupid’, ‘fat’ or ‘dumb.’

C. Health and Medical History

Mr. Acevedo reported a history of Diabetes and Hypothyroidism. Client is under the care of his primary care physician Dr. Scololo, who he sees every three months for glucose monitoring. His last visit was in February of 2007. Mr. Acevedo is taking the following prescribed medications for chronic medical conditions: Levox, VL 0.137mg 1 x daily for hypothyroidism; Altace, 2.5mg 1 x daily. Although this medication is normally used for hypertension, Mr. Acevedo’s physician prescribed it as a preventive precaution due to client’s diabetic condition. Client also takes Avandamet, 500mg 2 x daily by mouth.

In 1997 client was severely injured in a car accident that occurred as he stopped to help someone on the side of a snowy road and was pinned between two cars. Mr. Acevedo sustained three fractures in his leg necessitating several complicated reconstructive surgeries. He has a long visible scar on his leg. Client also reported having sustained testicular injury in the course of the accident, causing sterility.

D. Birth and Developmental History

Mr. Acevedo reported that during the pregnancy with him, his mother was very ill with what he thought was edema. Mr. Acevedo was born premature, possibly by c-section. Client’s mother was kept in the hospital for 2 months and client was taken by the same aunt who later ended up taking him in at age 9. Client suffered from dysplasia, which caused his feet to be turned in from birth. Client reported that he wore braces from age 1, but mother removed them because client was in apparent pain and crying. He also reported suffering from chronic colic, diarrhea, stomach pain and swollen lining of the stomach that lasted until he was 11 or 12. At 17, he was finally diagnosed with lactose intolerance. Client reports no developmental delays, major illnesses or accidents.

E. Family Functioning

Mr. Acevedo does not have primary caregiver/parenting responsibilities for minor children. Mr. Acevedo has no reported history or current involvement with ACS (Administration for Children Services) or any other child protective agency and has never been the subject of a child protective report or investigation involving neglect, physical or sexual abuse of a minor child.

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Mr. Acevedo reported a fairly close relationship with his family of origin. He reported that they turn to him for emotional and financial support. His two sisters tend to run to him for advice, or to vent feelings about family problems. Mr. Acevedo's brother calls between 4 to 6 times each week. He also sees his sisters, niece and mother frequently in church. Mr. Acevedo said he currently has a good relationship with his mother. Everyone says that Mr. Acevedo is her favorite. She can be quite nurturing when it comes to her oldest son. He also reports that she has a harsh and critical side. Mr. Acevedo never discussed the subject of sexual abuse with his mother or siblings and does not know if it occurred with them. Similarly, his wife knows very little about his having been sexually abused, but claimed she has some knowledge of his sexual experiences with men.

Mr. Acevedo reported a good relationship with his wife characterized as both loving and mutually supportive. Mr. Acevedo does most of the cooking. He also reported that wife suffers from a chronic condition causing severe hearing loss and that he has been a major source of support around his wife's condition.

V. Mental Status and DSM-IV Diagnosis

A. Initial Appearance, Behavior and Attitude toward Interview

Mr. Acevedo appeared stated age of 46, is slightly overweight but possesses good muscular development. Client was completely cooperative during the process, expressed feeling freely and made good eye contact with the evaluator. Client is within normal psychomotor activity range and demonstrated no abnormal movements or gestures. Client was appropriately and neatly groomed and dressed. Client exhibited comfortable posture and good coordination.

B. Mood and Affect

Client's dominant mood can be characterized as intermittently anxious, calm and occasionally depressive. Client expressed a full range of affect including sadness, anger anxiety shame and joy. However, the range of emotionality was at times flat or blunted. For example, client was not able to cry, but did request to take a break during emotionally-laden segments of the interviews. Client was usually somewhat cut off from the emotion of anger especially towards those persons who allegedly abused him. In general, client's emotional responses were consistent with someone in the beginning stages of facing powerful emotions pertaining to childhood sexual abuse.

C. Perception

Client reports no delusions or hallucinations of any sort. He has reported several episodes of depersonalization, derealization, dissociative events and flashbacks all consistent with the cumulative effects of Post Traumatic Stress Disorder, as well as being

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part and parcel of the typical symptom cluster associated with childhood sexual abuse trauma. He reports for example, having a flashback triggered by holding a beer bottle which made him feel dirty and associated with the anus. As he thought about it more, his mind began pushing it away. He also reported having nightmares, frequently waking up drenched in sweat. He described one incident where his wife woke him up standing in the middle of the room throwing punches as if someone were trying to hurt him. Since beginning the evaluation, client began to report an increase in frequency and intensity of nightmares and flashbacks.

D. Cognition

Client was observed to be aware and alert during the interview process. He was oriented in all spheres of time, place, person and purpose of interview, was attentive, and demonstrated good concentration. His memory is in general good when it comes to recent recall, as well as remote with glaring impairments when it comes to recalling certain aspects around the alleged childhood sex abuse. Client was found to possess an above average intelligence and is capable of abstract reasoning.

E. Speech

Both receptive and expressive speech was within the normal limits and consisted of normal and spontaneous quantity of verbalizations.

F. Thought Process / Content

No thought disorder was found to be evident except in the area of obsessions and compulsions. Client's thought patterns were found to be clear, well organized and goal directed. Client demonstrated no delusional material, ideas of reference, but has reported some limited obsessive / compulsive behaviors, meeting the DSM-IV diagnostic criteria for Obsessive Compulsive Disorder. For example, Mr. Acevedo by his own admission became obsessively fixated on a particular image of a prepubescent boy being sexually abused in a sadomasochistic way. Then obsessively viewed and review image countless times and/or looked for other similar images to download from the internet. Mr. Acevedo maintained that he identified with the victim due to his own history of childhood sexual abuse. Client has also described compulsive book buying and cataloging. Client also described a compulsion to help relatives and close friends in need of money, food, clothing, etc. and feels he does this at expense to himself. This tendency has reportedly caused marital discord.

No suicidal or homicidal thoughts were elicited during the course of the interview.

G. Judgment, Impulse Control, Insight, Ego Strengths

Mr. Acevedo's judgment is impaired in certain areas. Client demonstrated poor judgment in his decision to download child pornography. Client recognized this fact in retrospect.

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In other areas, including work, social relations and other decision making however, client's judgment is intact. Mr. Acevedo's impulse control is generally good, but struggles with sexual impulsivity as underscored by his having downloaded child pornography. He reported that he tends to be impulsive with money when it comes to helping people. Mr. Acevedo usually understands consequences of actions and to his credit, acknowledges that he has problems and recognizes the need for, and is willing to undergo psychotherapy treatment.

In general, Mr. Acevedo demonstrates good ego strength functioning, as demonstrated in his ability to fulfill multiple responsibilities and hold down a demanding job at Citigroup as a Technical Analyst in the Quality Assurance department.

H. Self Esteem, Identity, Relatedness

Client's current self esteem is somewhat lowered. He reported being overly critical of himself. His wife concludes that he is his 'own worst critic.' He reported being self-effacing and at times berated himself with names such as "stupid idiot." Client has also expressed identity vulnerability in areas of sexual orientation and as a spouse. For example, client feels that he is less of a man because he is unable to conceive. In general, Mr. Acevedo related in an open manner with the evaluator, occasionally expressing feelings of embarrassment or shame when recalling certain facts of a sexual nature.

A. DSM-IV Diagnosis

Axis I: 309.81 Posttraumatic Stress Disorder, 300.3 Obsessive-Compulsive Disorder

Axis II: V71.09 No Diagnosis on Axis II

Axis III: Diabetes, Hypothyroidism

Axis IV: Extreme stress due to possible felony conviction

Axis V Current GAF: 55

VI. Background / Social History

Mr. Acevedo was born in New York City, the eldest child of four. Mr. Acevedo lived with his mother and father, both of Puerto Rico, in the apartment that his father was given as part of his salary as super of the building at 38-39 Division Street, on the Lower East Side in Manhattan. Mr. Acevedo lived in the apartment from birth to age 8 or 9 when his parents separated. Client's earliest memories include dressing up as a cowboy. He recalled that while playing superman he leapt onto his mother's bed and hit his forehead on the bureau receiving a laceration requiring stitches. Client related that there was a stairway leading from the super's apartment to the basement. Mr. Acevedo also recalled an incident that occurred during his 6th birthday party. He ventured downstairs and fell asleep on the coats in the basement. He recalled that his father had been playing the congas. The next thing he remembered that his father came downstairs and hit him so hard it sent him flying across the room.

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Mr. Acevedo appears to be a credible historian but admitted not having a memory for dates. However, he was overly cautious in making a distinction between clear memories, and blurry or repressed memories. For example, client described a recollection riding with his father on the handle bars of a bike when they fell. His father cut himself and Mr. Acevedo ended up falling between the cars. Mr. Acevedo said he was not sure if he was actually remembering it or he heard the story. Client's recollections of more traumatic events of childhood are vague and change as painful memories come to the surface.

Mr. Acevedo learned about his parents' relationship much later: "In my teens my mother said she didn't trust him. She got upset and said: 'You want to know about your dad? In the middle of the night when he thought I was sleeping he was standing over me with a butcher knife and was saying: 'I'm going to kill you. I'm going to kill you.' " He then explained further: "We never really talked about my dad after that. She just would say she couldn't trust him: Nothing specific. In my teens I concluded she meant sexually."

When Mr. Acevedo's 14-year-old sister wanted to get to know her father, their mother she consented on the condition that client accompanied his sister and stay 'glued to her side.' "I only recall two things when I was there. I recall my father bragging in front of a bar: 'This is my son!' " The other memory client reported was of a woman arriving with two boys approximately 7 and 4 years old. Client's father introduced the woman to Mr. Acevedo and his sister as his cousin. Mr. Acevedo continued: "She started to ask him about money. My father began to shuffle us to a back room, but put his hand on the shoulder of the older boy saying that he could stay. The mother of the boy insisted that he had to watch his younger brother." Mr. Acevedo reported that he snuck back and peeked through the cracks of a makeshift door. He heard his father say 'you know what you got to do if you want the money.' Mr. Acevedo further described how his father turned her around, bent her over a sofa pulled down her panties, dropped his pants and saw him move behind her. Mr. Acevedo continued: "I got kind of nervous that I was seeing the backside of my father and decided to leave."

This is where the memory ends. Mr. Acevedo did not recall whether he told his sister what he had witnessed, but that they were back home fairly soon afterwards. Mr. Acevedo had mixed feelings about the incident. On one hand he was aroused and on the other, he was angry or embarrassed.

Mr. Acevedo related that he was sexually abused by adult males from an age so early he is not able to recall, to age nine. One of those males he has identified as his uncle and the other as his father. The memories of his father are the most repressed. Mr. Acevedo has indicated that the degree of force was greater. Because of the level of repression, however, it was difficult to ascertain the degree of force or violence to which Mr. Acevedo was apparently subjected.

Conversely, because of the early ages at which the alleged sexual abuse occurred, an accurate chronology is difficult to pin down. Therefore, the evaluator will, when possible

present the material in the order in which it was brought out and to place it in the context in which the material surfaced within the given interview.

In session 1, Mr. Acevedo admitted becoming particularly obsessed and fixated with a video clip portraying a prepubescent boy blindfolded and tied to a pommel horse from which he is forced to perform oral sex on two adult males. Mr. Acevedo then related: "I started waking up in the middle of the night dreaming about it. I would see me tied up as a boy. This was between waking and asleep. It seemed too real and too familiar to be a dream. It seemed like reality. I remember an older man standing over me saying if I loved him I would swallow. I saw something rubbery of metal around their penis. I distinctly felt the penis going in and out of my mouth. I distinctly remember the taste in my mouth." Mr. Acevedo looked visibly shaken and said he felt "apprehensive" and "dirty" and as if he were "betraying" someone not knowing who.

In session 3, he related having a flash memory of performing oral sex on an adult male. He was around 7 years old and recalled him saying that if he swallowed it, it will make him stronger. He reported that the memory was triggered by watching the child pornography clip. The client also recalled lying on his stomach watching television as someone penetrated his anus with their finger. The same night after watching the child pornography, Mr. Acevedo woke up in a sweat with a feeling of not being able to breathe, likening it to a "fat man" sitting on his chest.

At age 8, Mr. Acevedo performed oral sex on a 9-year-old cousin and his cousin's younger brother. He reported that it occurred about 10 times. The client has vivid memories of a twin bed in the corner and an old blue fleece blanket. The setting was a basement with pipes and brick walls. When asked if it could have been the super's (his father's) workspace, he responded by saying: "Logically it could have been, but my heart does not want to go there."

Near the end of the 4th evaluation Mr. Acevedo repeated the entire incident claiming that he had forgotten to tell me about his cousins when he was 8. The details were consistent except that there was an adult penetrating his anus from behind while they were performing oral sex on one and other. He added that he and his cousin enjoyed the anal penetration and would put their buttocks up in the air in anticipation. When asked who the adult male might have been, he replied that even in his flashbacks he cannot see their faces. When I asked him who he thinks they may be he responded: "I think it might be my father." Client became emotionally choked up and added: "I'm not ready to accept the fact." He recalled that his uncle and cousin's stepfather may also have been present. When asked to convey his emotional response, he replied: "I'm having a hard time containing what I feel inside," and added: "My wife can tell you that she has never seen me cry."

In the fifth session he described his uncle penetrating his anus with his finger as "commonplace," "not out of the ordinary," and being a "regular occurrence." His uncle would reportedly tell him that it was only going to hurt at first, or if he loved him he

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would relax. He told him that he loved him that he was his "special boy." Mr. Acevedo reports that his uncle used to hug and kiss him a lot and take him for ice cream. Furthermore, he described sitting in his uncle's lap while being penetrated with his penis. Overtime, Mr. Acevedo said he became used to being anally penetrated and would move up and down on his uncle's penis. Client also recalled being told that if he swallowed his semen, it would help him grow strong. At first, Mr. Acevedo would choke, he even vomited once, but eventually he got used to it. Mr. Acevedo stated that he did not like it because they put their penises too deeply in his throat. At this point he added that he believed that there was more than one person. Client stopped to reflect. He then recalled different size penises and different tastes and different consistencies of semen. One penis was described as lighter and one was described as really dark. At some point during the interviews he observed that his father had darker skin and his uncle lighter skin.

Mr. Acevedo described the sexual abuse having occurred with frequency of perhaps up to two times a week. When asked to describe his emotional response at the time he said: "Pleasure," and explained that after a while he enjoyed doing it, that it was expected of him, it was natural.

When asked about his mother's role in the sexual abuse, Mr. Acevedo explained that she was frequently absent and that his uncle would have sex with him in his mother's bedroom. He associated the memory with the black and white television set in her room where the sexual abuse often took place.

Mr. Acevedo related that the sexual abuse affected his life and caused him a lot of pain. Struggling with the emotions he explained that growing up in that world there were very few people he trusted and that it pained him to consider that any one of them could have violated him in this way. He saw himself as a trusting kid, who if he loved you, there was nothing that he wouldn't do for you. He added that to some degree, he is still that way now.

One of the strongest memories Mr. Acevedo has of his mother concerns an incident that happened when he was 9 years old occurring shortly after his parents' break-up. He was sobbing in the bathroom with his mother and asking her why he cannot get back with his father. Mr. Acevedo reports that at that point his mother became infuriated and grabbed him by the shoulders and asked him: "Do you really want to go back to your father?"

In August of 1969 with very little explanation, client was put on a plane to Miami, Florida to live with his maternal aunt, her husband and their 11 children. Mr. Acevedo cried not understanding why he had to leave his family. Upon arriving in Florida, his aunt Tania explained that he was the only child that his father was fighting to keep and that Mr. Acevedo's mother wanted to keep him out of his father's reach.

When Mr. Acevedo discussed the subject of his father he was emotionally cut off and strangely detached. He then said: "I guess there was some sort of threat," and added "I don't know what the threat was."

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Client reports that when his father died when he was 16 years old he was taken to the funeral home. He recalls an argument outside the funeral home ensuing. His mother and aunt were pressuring him to go inside and pay his respects. Strangely, Mr. Acevedo does not recall whether he went in or not and is very emotionally shut down and cut off when it comes to his father.

In Miami client related that the adjustment to living with his aunt, uncle and 9 girls and 2 boy cousins was painful. He expressed feelings of "abandonment" having been "packed up and shipped out to strangers." Mr. Acevedo reported that his aunt was "heavy and jolly" and made him feel loved. The misery came with the way his cousins treated him. "There were a lot of squabbles with 11 children and when I took sides, the others would criticize me. I was always on the top bunk crying my eyes out. I felt my mother and father didn't want me." Anthony reported that he was continually taunted and teased by his cousins for being a 'cry baby,' and a 'sissy.'

He also reported that he was physically and sexually abused by his cousins. His 11-year-old girl cousin reportedly grabbed him by the neck and left nail marks. When he walked past his cousins, they would punch or kick him.

The second to the oldest girl, approximately 13 at the time, began to touch Mr. Acevedo in a sexual way. It continued until other children were involved and progressed from touching, kissing, touching genitals, and oral sex. The 11-year-old girl became involved and suggested to the others that Mr. Acevedo perform fellatio on one of his boy cousins. Mr. Acevedo explained: "I ended up doing it. The memories are jumbled but I knew it wasn't the first time. I will say that I wasn't afraid to do anything they asked me to do." Furthermore, he reported that once it began, it became a regular thing. When asked if his aunt or uncle ever caught them, he reported being left unsupervised for long periods at a time. When asked how he felt about the experience Mr. Acevedo replied that he felt good that he had an opportunity to "please somebody," that he had a chance "to shine," and that it felt "normal like putting on an old glove."

It was at this point in the interview that Mr. Acevedo became visibly disturbed and said that he felt his mind "shutting down," and added: "The reason I wasn't shy about sex is because I feel like it wasn't the first time I had sex," and added: "Maybe because my father or uncle had something to do with me when I was young."

When Mr. Acevedo returned to New York at age 10, the family was living in a different apartment on Monroe Street. He was introduced to mother's second husband as his "new dad" Tony Rivera. Client described Mr. Rivera as "not a bad guy" who owned two grocery stores, but was an alcoholic and would say hurtful things to Mr. Acevedo especially when drunk. He tried to get close to him because he needed a dad and even legally changed his name from Leslie to Anthony Leslie in homage to his new father.

The adjustment from Florida was a difficult one and Mr. Acevedo repeated the 5th grade. Until age 11 or 12 Mr. Acevedo had been thin but began to eat a lot of junk food and

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gained a lot of weight. In Junior High School a gym teacher worked with him and he began to play all sorts of sports and lost the weight, gaining a lot of positive attention from the girls. This also served as a way to get positive attention from his step father, who when drunk would berate Mr. Acevedo saying hurtful things to him, telling him he was fat or comparing him to his son.

Between the ages of 12 and 17, because of mother's work schedule, Mr. Acevedo was responsible for his two sisters and brother including picking them up from school, helping them with their homework, cooking their meals and doing all the chores around the house. At age 12 client's mother separated from client's step father.

Client reports several sexual experiences from ages 11-12 most notably having been penetrated by a 15-year old boy in the school bathroom at PS 1. Client claims that he does not recall the actual sex or how it unfolded.

In session 6 Mr. Acevedo related that at age 13 he had, on two occasions anally penetrated on the roof another 13-year-old boy who had been pursuing him for some time. Mr. Acevedo reports that he lost interest and fended off further advances by telling the boy that he wanted to be penetrated himself. The boy explained that there was a man living in the basement that was penetrating him and that he could arrange for Mr. Acevedo to meet the man. Mr. Acevedo went downstairs and was anally penetrated by the man in a very rough way, which according to client corresponded to his fantasy of being raped.

Furthermore, the basement atmosphere was both arousing and felt comfortably familiar at the same time. Mr. Acevedo then reported that he had a fantasy of being raped as in a scene from the movie "Death Wish." Client reported that in the scene woman is raped by two men, one violently and the other gently. He reported that the experience was somewhat like his fantasy. Mr. Acevedo observed that his repressed memories were sublimated in his fantasies.

From ages 13 to 16 Mr. Acevedo had girlfriends but was afraid to have vaginal intercourse for fear pregnancy. Around age 16 he met a man in his 40s and went to his apartment many times to have sex. Mr. Acevedo reports that his mind is totally blank except for one memory of the man masturbating him in his sleep and when he woke up he was climaxing. Mr. Acevedo became angry when the man abruptly ended the relationship.

When Mr. Acevedo was 17, his mother began a relationship with a man in his early 20s who moved into the apartment. The children slept in the bedroom in double bunk beds while client's mother and paramour slept in the living room. Client reported frequently hearing his mother having sex. Client got along well with mother's boyfriend, but it all came to an abrupt end when Mr. Acevedo's mother discovered he had had sex with two female cousins ages 18 and 20. Client reported that his mother kicked him out and threw his clothes out the window.

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In this same period his mother arranged for him to have his own apartment. She explained that he was a 'young man' and needed his own apartment. He moved across the hall and stayed in the apartment for 2 years.

At 17 he met the first girl with whom he had vaginal sex. The relationship lasted only a few months when client lost interest and became distracted with preparations for college. From ages 18 to 21 Mr. Acevedo reports having four girlfriends.

When Mr. Acevedo was 20, his mother married her third husband and moved to Washington Heights. Client moved alone to another apartment. When asked about his feelings around mother's third husband he said: "He is a blank out in my mind." He then questioned himself: "Did it bother me and did I blank out? I don't know. That's the way I deal with things that bother me. I just push them to the back of my mind and forget about them."

In session 7 Mr. Acevedo reported that at age 20 he met a man in his 40s who liked to perform oral sex on him as well as have Mr. Acevedo anally penetrate him. Mr. Acevedo needed to fantasize that he was a girl in order to become aroused. He reported that the man had an enormous penis and Mr. Acevedo was disappointed that he never was interested in penetrating him. The relationship lasted for about a year and a half. Mr. Acevedo reported that he lost interest because he wanted something from men that he couldn't get from his girlfriends. At this point in the interview, something triggered an emotional and abrupt change of subject. Mr. Acevedo began: "My father was more--" and suddenly became choked up. He continued: "I'm having a hard time accepting that my father had sex with me."

Client reported moving out with his best friend who eventually became addicted to cocaine. Mr. Acevedo had taken out some credit cards and put his friend on as a secondary account holder. Unbeknownst to Mr. Acevedo, the friend charged up the cards in excess of \$40,000.00, which Mr. Acevedo paid off little by little. Twenty years later in 2005, Mr. Acevedo lent the same friend \$4,000.00 and only received back \$900.00. When asked how he got involved in lending him money again, Mr. Acevedo replied that he trusts way too much.

At age 21, Mr. Acevedo met his future wife Diana, who was 20 years old at the time. The two met at Baruch College and things were not that serious at first because they were both seeing other people. Client has been married for 15 years.

In the beginning of their relationship Mr. Acevedo reported that he was also seeing a man whom he met through another friend. Client reported that one time over drinks the man confessed that he wasn't gay, but if he were, he would really be into Mr. Acevedo. Mr. Acevedo reported that the two had a relationship that lasted approximately 4 years, seeing each other 1 to 2 times a week and having sexual relations 1 to 2 times a month. Client maintained that the sex was very good and he had everything he wanted: The man was

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reportedly well endowed, hairy, with big hands, and over 6 feet tall. Mr. Acevedo said the friend would play the man's role and was sometimes rough with him which Mr. Acevedo enjoyed. The fact that the friend acted like his father was especially a big turn on for Mr. Acevedo. The friend ended it because things were getting serious with Mr. Acevedo's future wife.

The last time they saw each other there was an argument. Mr. Acevedo's friend followed him to his sister's apartment, forcibly grabbed him and tore off his clothes and underwear and said: 'Is this what you want?!' He held down Mr. Acevedo and smacked him on the back of his head. In response, Mr. Acevedo said: "Papi, I promise I'll be good." Client said he was embarrassed to tell me what else he said. He added that his friend went at him "like a jackhammer." Mr. Acevedo described the scene: "He had me bent over the bed leaning forward. It was painful. After a while it became pleasurable." Then he went on to describe feeling of dissociative /depersonalization, a classic hallmark of sexual abuse survivors: "Body wise, I was transformed, somewhere else. I was there and experiencing it and at the same time I was seeing it. It was a weird sensation. It was like I was out of my body."

Mr. Acevedo related that his sex life with his wife was good before the accident. He maintained that they had a lot of sex, cuddled together and spent quality time including going out together to restaurants.

Mr. Acevedo and his future wife began officially dating when he was 25. They moved in together when he was 30 and married in 1992 when he was 32.

Mr. Acevedo stated that he did not want children in the beginning for fear of failing. When pressed he said that he could not put his finger on what he meant by failing. He also related that his family and friends all said he would make a good father because of his devotion to his four nieces, cousins' children and children of best friend.

In 1996 the client and his wife decided to try to have children when Mr. Acevedo was involved in the above-mentioned car accident. They continued to try to have children for a year and a half and discovered that due to testicular injury sustained in the accident, Mr. Acevedo's sperm count was found too low and the sperm were 'abnormal.' When asked about his reaction, he explained that it was ok for his wife but that it "freaked" him out. Mr. Acevedo expressed that it had a negative impact on his feeling of being a man and that it brought pain in his heart when he thought about it: "When I found out we couldn't have kids, it was psychologically hard for me. I didn't feel like a man. I would cry in the shower, angry, sad and depressed about it." When he first discussed this problem in session 7, he became choked up and said that if he had been thinking about his family and how it would have affected them, he never would have looked at the pornography.

Things began to unravel for the client in 2005 after loaning money from his credit cards to his best friend. When the friend could not pay, Mr. Acevedo defaulted and the interest rates increased on all of his cards. To add insult to injury, his friend's wife and children

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with whom he was very close distanced themselves because of the conflict. Tensions further increased when his friend accused Mr. Acevedo of having an affair with his wife.

Around this time he was approached by a man in his fifties and eventually the man performed fellatio 3 times and had Mr. Acevedo anally penetrate him on two occasions. Mr. Acevedo explained further: "It felt empty. When I have sex with my wife we kiss, we touch. I ended it. Toward the end I was doing it because I felt sorry for him. His wife had not been having sex with him for many years. I was starting to feel guilty because of my religion and my wife. I was actually feeling dirty and not feeling good about myself."

From approximately 1984 until 2005 client reported no further sexual contact with men. This was client's last reported sexual contact with a man.

In 2005, Mr. Acevedo began to experience the onset of symptoms of depression including insomnia, binge eating and isolation. He also was not returning calls from his friend's wife. Mr. Acevedo does not like to take his anger out on anyone but instead buries himself in his own little world.

Client seems to have sublimated his desire to have children in his relationships with his best friend's children. He is also very close to his cousin's 16-year-old boy and arranged for him to live with his best friend in Pennsylvania to attend better schools, contributing \$100.00 to \$200.00 on a monthly basis toward his upkeep.

Mr. Acevedo began to dwell on all of his inadequacies: "2005 hit me harder now that I couldn't have a child. Seeing all of the kids was a mixed [feeling] because I couldn't have my own kids. Suddenly I didn't have contact with them and the hole in my heart grew wider. My sex life began to decline in 2001 when I realized that I could not have any kids. In 2005 sex was down to nothing. I was getting desperate. I wasn't really stimulated by anything. That's when I started to look at things on the internet."

At first he began to look at pornographic images of various sorts including heterosexual, bisexual, gay and bestiality. He was turned off by images of excrement and urine. However, a particular bestiality clip which he downloaded of a man being penetrated by a horse aroused a familiar curiosity in Mr. Acevedo: "I was in awe. I don't remember if the man had an erection. I downloaded it and looked at it many times. I was amazed and wondered if I was in that position if I could take it. I got some sort of flashbacks because I understood that yell. I had some kinship with him. I know when he felt the pain and knew when it went to pleasure."

Gradually he became more drawn to sites advertising 'gay twink' or 'little boy twink.' He subscribed to a gay site that containing gay porn, bisexual porn and child porn. When he initially went to download a clip that said 'little boys' he claimed he wasn't expecting to find child porn. He subscribed to the site in November or December of 2005 and cancelled it the next day but was notified that he had the subscription for a month. He

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also cancelled the credit card a week later because of concerns that the company would continue to debit his card.

One clip which obsessed him involved a blindfolded prepubescent boy approximately 9 to 10 years old, tied to a pommel horse. There was an older man in his late 20s early 30s standing over him having him perform oral sex. Another man was reported to have joined in later on. When asked if there was any violence Mr. Acevedo replied that at one point the first man was spanking the child on his buttocks. He added that the clip appeared as if one of the men was preparing to have anal intercourse with the child, but the clip ended. When asked to describe the child's reaction, Mr. Acevedo said it looked as if they were play acting because at one point the blindfold dropped down and the child moved his face to move it back into place. The audio track was static with no discernable sound and approximately 5 minutes in length. This clip caused a series of flashback dreams that have been described above in detail.

Client continued to search for video clips of a similar nature. In a 4 to 5 month span, from July 2005 until November 2005, he downloaded many clips of various subjects, including gay, hardcore, bisexuality and bestiality. He reported that very few were arousing to him. He was unable to put an exact number of how many he downloaded, but he claimed there were many. He related that most of them he deleted immediately because they were not what he was looking for. He noted a few other videos including a child on a sofa, claiming not to remember much about it. He recalled another clip with a blond 14 year old.

Mr. Acevedo continued to be fixated on the one particular video clip. For Mr. Acevedo the turn on was in putting himself in the child's place. Mr. Acevedo did a system restore on his computer erasing his entire hard drive but re-downloaded the clip and kept reviewing the clip over and over. Mr. Acevedo estimated to have viewed the clip up to 50 times, maybe more. Sometimes he would view it a couple of times in one sitting. Client maintained that he did not masturbate when viewing this video. Mr. Acevedo said he did masturbate to other videos.

At the end of last session, Mr. Acevedo stated our previous session had triggered a dream which then turned into a flashback once a day for about a week. He dreamt of a huge bed with a white sheet. Certain areas of the sheet were stained with blood and excrement. Mr. Acevedo related that he knew that those stains were caused by him. The flashbacks began when he was waking up or going to sleep. He then repeated: "I innately knew that those stains were caused by me. The first time I was half asleep. It was so dramatic to me that I couldn't sleep. I asked myself: 'What the hell was that about?'"

VII. Criminal Offense History**A. Offense History**

Mr. Acevedo has no reported criminal history of any sort, any prior arrests or convictions. Client reports no history of violence to other persons or property of any kind.

B. Offender Version

Mr. Acevedo downloaded many pornographic videos from a gay web site to which he subscribed and cancelled the next day and that some of those pornographic images contained images of boys from approximately 9 to 16 years of age. Mr. Acevedo described some containing violence, physical restraint and coercion during sex acts perpetrated by adults on minors. Most of the images he erased but some he stored on his computer.

C. Official Version

The official version, as related to the evaluator by Mr. Acevedo's attorney Mr. Alan Baum: The FBI reported having found 11 video clips on Mr. Acevedo's computer ranging from 10 to 30 seconds, and from 20 to 30 minutes in duration. According to the information that Mr. Baum obtained from the federal prosecutor, some of the clips were reported to depict sadomasochistic elements involving images of prepubescent juveniles.

Client does not report any other sexually offensive behavior. Mr. Acevedo has not indicated in any manner, either by direct report or innuendo or otherwise that he has engaged in sexual relations with a minor as an adult.

VIII. Assessment of Sexual Behavior**A. Self-report Measures**

Mr. Acevedo identifies himself as a 46-year-old, Hispanic, bisexual, married male, who has a history of childhood sexual abuse including incest. The abuse occurred from a very young age and Mr. Acevedo is currently struggling to contain a flood of memories that have recently emerged from these psychologically overwhelming and complex events.

B. Characteristics of Offender***a. Personality Profile***

Mr. Acevedo's overriding personality trait is centered on his boundless trust of family and friends, frequently to his own detriment. By his own admission he helps people too

much giving them large and small amounts of money. In a world in which it is normal to have sex with your father and uncle, trust becomes both tenuous and murky. Knowing

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who to trust and how far to trust is very difficult for him. This extends to his personality trait to want to please people. Because of his psychosocial history in which he was ridiculed and criticized by people in his family, notably his step father and cousins in Florida, he has a constant strong desire to please others.

b. Cognitive Patterns

Client's cognitive patterns are clear, well organized and goal-directed.

c. Patterns of Sexual Arousal

Mr. Acevedo has described two distinct patterns of arousal with men. On one hand he is aroused by gentle and loving men as long as Mr. Acevedo is being penetrated and performing the oral sex. This type of male is a stand-in for his uncle who sexually abused him, who Mr. Acevedo reported was also affectionate and loving. His memories of these events also seem to be far less repressed.

The second pattern of arousal is one in which he is being violently ravished in a way that he associated with his father. His memories of his father are far more repressed underscoring a higher degree of trauma.

His ultimate fantasy is being the rape victim in the movie "Death Wish," in which he is first violently penetrated by the first man and then gently made love to, but still dominated by the second.

With women and his wife in particular, Mr. Acevedo's fantasies tend to be sensual, affectionate and loving. He describes becoming aroused by kissing, touching, taking showers together, oral sex and various positions of intercourse including "doggie style." When I asked him what turned him on about his wife he mentioned lavender shampoo, her thick long hair, feeling sweat on her back and feeling her breasts become hard as he plays with them. He added that he also becomes aroused when penetrating her vaginally or performing cunnilingus and she begins to moan and digs her nails into his back. He added that running his hands up and down her body or on her breasts was also a big turn-on for him. He added that he has always been an "ass man," that he loves to touch her buttocks but is turned off by and has never had anal sex with a woman. He also reported becoming aroused by playing with his wife's hands and putting her fingers in his mouth.

In one of the videos he downloaded a woman was having sex with multiple partners. He found the woman's moaning very arousing and masturbated the second time he saw the video. He was also turned on by interracial videos and that darker skin held his interest. He mused that he can relate to them. And then added: "My dad was dark-skinned."

Mr. Acevedo did not become aroused by child pornographic video clip in the same way as with the other fantasies. Mr. Acevedo made it clear that he is not aroused by sexual relations with children and is not deemed to be a pedophile. It was as if he were

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attempting to neutralize some painful memory. The key to this might have been in a comment he made in the last session: "After you see a lot, you become numb or immune."

d. Primary Sexual Preference

Client reported primary sexual preference as women.

e. Sexual Deviancy

In Mr. Acevedo's case the particular clip portraying bestiality between a man and a horse was more an identification with the man's yell upon penetration, than a true sexual deviancy.

f. Responsibility

Mr. Acevedo is usually responsible but admittedly had blind spots. He recognized that it was terribly irresponsible to have downloaded images of child pornography.

g. Impulse Control

Likewise, Mr. Acevedo has demonstrated poor impulse control in moments of intense depression or stress.

h. Aggression/Anger/Violence

Mr. Acevedo has a tendency to turn his anger on himself with self-effacing comments in keeping with his identification with the victim and not with the aggressor.

i. Seriousness of Offenses

Offenses constitute a federal felony and carry mandatory sentences.

j. Predatory Nature of Offenses

None. Mr. Acevedo has made no indication that he has every sought out or thought about seeking out a sexual relationship with a minor as an adult. Mr. Acevedo has made it clear that he is not aroused by sexual relations with children and is not deemed a pedophile.

k. Intellectual Functioning/ Mental Health/Illness

(Refer to previous **Mental Status** section)

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IX. Risk Level

In the opinion of this evaluator Mr. Acevedo represents little to no risk of repeat offense.

X. Amenability to Treatment

Mr. Acevedo is ready, willing and is in urgent need of treatment to work on the issues of early childhood sexual abuse that have led him to the criminal justice system. These issues include Post traumatic stress and Obsessive compulsive disorder stemming from the early childhood sexual trauma. Other issues which need to be dealt with include depression, trust issues and sexual impulsivity which have combined to lead to general sexual dysfunction. Furthermore, the fact that Mr. Acevedo identifies himself as a victim elevates his prognosis considerably as supported by the literature.

XI. Conclusions and Suggestions for Management

After having interviewed Mr. Acevedo for over 12 hours, there is no doubt in this evaluator's mind that he was the victim of repeated, systematized early childhood sexual abuse including incest with more than one family member and at least in one case, of a sadomasochistic character, indicated by the level of sex abuse specific post traumatic stress symptoms. Mr. Acevedo has admitted that he downloaded, kept, viewed and reviewed similarly sadomasochistic video images opening the subconscious floodgates of emotions, memories, tactile sensations, tastes, smells, sounds, flashbacks, nightmares of very disturbing images. Mr. Acevedo was a victim, just as the boys in the images that he has admitted to downloading, images that he used to purge his memory or as he put it to make himself numb and immune from the pain. Mr. Acevedo is not a pedophile and not a sexual predator. He was looking for a way to numb painful, complex and frightening childhood memories, which have been presented in fragmentary fashion in this report and to be sure are only the tip of the iceberg.

It is my recommendation that Mr. Acevedo's victimhood be taken into consideration in viewing the circumstances of his case and that he be given every opportunity to make amends for his victimization of others and receive treatment for sexual abuse survivors.

Stephen Geller Katz, LCSW-R Date

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February 20, 2005

Hi Bob,

As per our conversation, I am sending you some highlights of my professional qualifications and credentials for your appreciation and records.

I graduated with a Master degree from New York University in 1990 and am licensed to practice psychotherapy by the University of the State of New York. My New York State license number is R043010-1.

My license the LCSW-R, as you are aware is the highest professional credential in my field which qualifies me to practice psychotherapy in the state of New York. To achieve the -R (Registered) qualification one must meet the rigorous requirement of having received a six-year post-master clinical supervision and direct clinical psychotherapy training experience.

My training consisted intensive concentrations in both psychodynamic and cognitive therapy techniques. I also took further courses in structural and strategic family therapy, as well as solution focused therapy.

I am also an expert in the area of sexual abuse and have worked extensively with both victims and sex offenders beginning with Heart Share Human Services, where for a period of almost ten years I served as Clinical Supervisor/Assistant Director of four Foster Care Prevention Programs for the agency. It was at Heart Share that I developed a training program and protocol for working with cases involving sexual abuse centered around intensive psychotherapy for both victims and sex offenders. I also made countless court appearances in Brooklyn Family and Criminal court. In 1992, I was court certified as an expert in sexual abuse by Family Court Judge Karen Burstein.

My private practice is located on the Upper West Side of Manhattan, at 360 Central Park West, Suite 1-A, on the corner of 96th Street, conveniently located near the B and C trains which stop at the 96th Street subway station.

I am also the Director of the Outpatient Mental Health Clinic of ACDP-Community Association of Progressive Dominicans where as Director I am responsible for a team of seven therapists and work together with two psychiatrists providing support for psychotropic medication management. I provide supervision to the therapists, each of whom has an average caseload of thirty. The more challenging cases remain directly under my care.

I have more than 19 years experience working with a wide range of client populations and covering many types of problems.

Depending on the particular needs of the client, the mode of psychotherapy may differ from individual or group, for adults, adolescents, children, couples and families.

Some of my specialties include depression, anxiety, relationship problems including marital therapy, including bi-cultural/religious issues in inter-marriage, problems in adolescence, parenting skills training, parental coaching, child behavioral problems, trauma e PTSD (Post Traumatic Stress Disorder), adoption issues, life transitional issues, geriatric problems, health problems, pain management, loss, as well as problems with sexual dysfunction which includes work with sexual abuse victims and sexual offenders.

I am multi-lingual and am fluent in English, Spanish, Portuguese, Yiddish and German. I lived for several years in Latin America, specifically in Brazil and Venezuela and am very familiar with the cultural issues which have an impact on the clients with whom I am working.

I believe we can team up in several areas. First, I am able to provide psychotherapy to those clients who are either court mandated or strongly recommended to attend psychotherapy. Second, I will be able to provide you with letters addressing diagnosis, treatment prognosis, general attendance, as well as a treatment progress statement. Clients may be seen on an individual or group basis, or in a combination of both.

Private therapy also has several key advantages. It affords our clients more privacy and trust at a time when they really it and hence, strengthens the therapeutic alliance making it possible for meaningful treatment to take place.

Another area in which I can definitely be an asset to you is in the area of testifying as an expert witness. I have many years of experience appearing in court and am a self-assured presenter with a keen ability to make a strong case.

I look forward to speaking to you again to discuss how we can best work together.

Best Regards,

A handwritten signature in black ink that reads "Stephen Geller Katz, LCSW-R". The signature is written in a cursive, flowing style.

Stephen Geller Katz, LCSW-R

Anthony Gambuzza Psy.D
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12/1/07

Dear Honorable Judge Batts:

This letter is to provide information regarding Mr. Anthony Acevedo. I have seen Mr. Acevedo for individual therapy since 5/22/07, for a total of nine sessions. Mr. Acevedo is a 47 year old Latin male, who is married with no children. He works full time. He was referred by Mr. Katz C.S.W who performed a full assessment, including mental status and psycho social history. Mr. Acevedo is currently awaiting judgement regarding charges related to accessing child pornography via the internet.

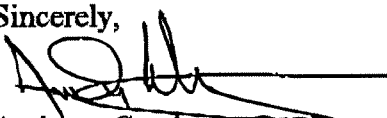
During the course of therapy, Mr. Acevedo has revealed a life history of long term, repeated sexual abuse at the hands of his father, uncle and a multitude of their male friends. The abuse began at an early age, when Anthony was just beginning to gain a sense of self identity. Anthony was asked to perform oral and anal sex with the threat that, if he resisted, his mother and siblings would be harmed. The abuse consisted of his father bringing Anthony to the basement and sexually abusing him often in a harsh and cruel manner, for instance, forcing him to swallow father's semen and engage in cruelly and abusive sexual acts with other male adults while father watched. This took place while Anthony was attending school and trying to establish a social life. Instead of this being a time in his life where he explored school and peer life, he was thrown into a world of perversion at the hands of a sadistic and cruel father. At this stage in a young boy's life, such abuse is particularly traumatic in that it entirely erodes his sense of safety and trust and replaces it with fear and helplessness. At a time when Anthony should have been looking up to the male relatives in his life as role models for his future self, he was bombarded with experiences of male cruelty and abuse of power, leading him to question what it meant to be a man and what it meant to give love and be loved. While his father was often harsh and cruel, his uncle was described as more loving and gentle. As a result, Anthony began to accept the sexual abuse as one of the only ways he could gain acceptance and love from at least one person, namely his uncle. When a child is subjected to this kind of abuse, he shuts down emotionally and distances himself from his real feelings usually warding off his sense of hurt, guilt and revulsion. Instead, he numbs himself to his experience and losses connection to his real feelings in an attempt to survive such inhumanity.

In counseling, it is clear that Mr. Acevedo has not moved toward predatory action, which is a hallmark of pedophilia. Rather, it appears he views child pornography in an attempt to make sense of his own twisted and confusing childhood. Anthony has attempted to break the cycle of violence he has experienced, by being a trustworthy, reliable and helpful family member. He goes above and beyond the call of duty to help his relatives. He is a responsible worker. He is involved, together with his wife, in being a Jehovah's Witness. This has added meaning to his life, provided support and structure.

While this letter is not intended to exculpate him, as his crime is clearly one society needs to address, it is however intended to shed light upon his actual motivation and mitigating factors in his commission of such an act. Given the circumstances of his life experience, I would ask the judge to show compassion and understanding in determining an appropriate punishment.

If you have any further questions, please contact me at (917) 501-4592

Sincerely,



Anthony Gambuzza Psy.D